



Town Hires New Chief Building Official

The newest member of Town staff is Marty Maslen. A short autobiography: I grew up on Sarah Milner’s homestead farm in Masonville, which is where I now live with my husband and 2 children. I temporarily lived in Oroville, CA to earn my degree in Inspection Technology and simultaneously earned my certifications to be a combination inspector. I started in the inspection field 13 years ago in Leadville, Co, then moved back to the Front Range and continued my career with the City of Loveland for 12 years. I have always enjoyed the challenges that come with inspection and now am enjoying the added challenge of Chief Building Official for the Town of Frederick. On my off time, I like walks, biking, camping, and gardening.

Historic Farmhouse Burns
On Wednesday, August 18, the historic Rosenhoff Farmhouse was set on fire and reduced to literally to a shell of its former likeness. Arson was immediately suspected, due to the lack of any possible fuel/ignition sources within the building, according to Frederick/ Firestone Fire Protection District Fire Chief Domenic Chioda. The Frederick Police Department is currently investigating the case.

The Town Board now faces the difficult task of deciding what to do with the remains of the building. Before the fire, the Town planned to spend \$500,000 to renovate the house and turn it into a museum.

Now, rehabilitation plans have been put on hold. Consultants from the Department of Local Affairs are working with the Town to best determine the feasibility of saving the building and if any grant monies might be available to aid the process.

The Frederick Police Department has investigated the incident, and a monetary reward is offered for information leading to an arrest and conviction.

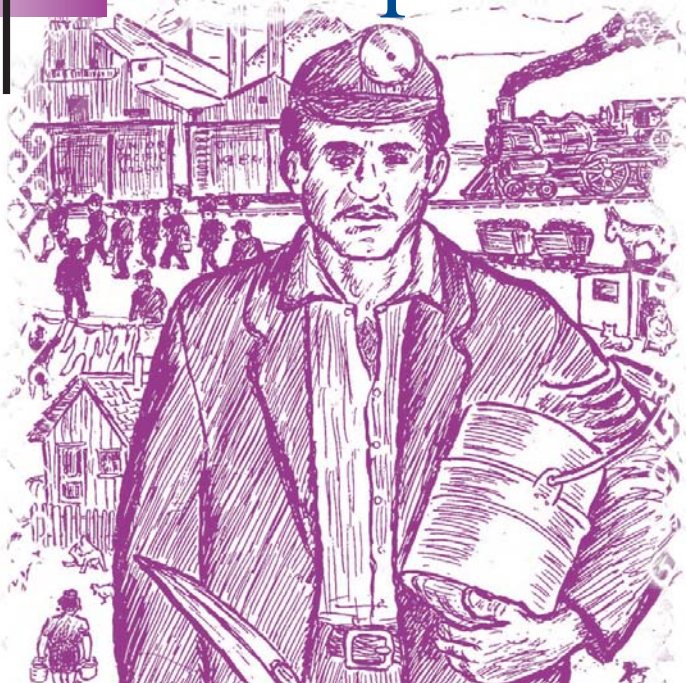
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The Home Rule Issue
**The Frederick
Report**



Miners’ Memorial Day a Success!

The recent 2nd Annual Miners’ Memorial Celebration boasted high attendance and much to offer to those who ventured into Crist Park on August 28th, 2004. There were 58 booths in the park and 35 floats in the parade, and the weather was gorgeous.

The celebration began with a parade that started at the Carbon Valley Rec Center and ended at Crist Park. The Frederick High School Marching Band took first prize, with the Dance Machine finishing second and Petunia’s Pet Products coming in third in judging by the Carbon Valley Chamber of Commerce.

Kinder Morgan presented the Golden Heart Award to Carmine DeSantis for his lifetime of service to the Town of Frederick and his dedication to the community. Mr. DeSantis was noticeably moved by the surprise presentation, and the crowd gave him a thundering ovation.

The music lasted throughout the day. The food booths and the beer tent did brisk business. The dunk tank was a popular attraction, allowing citizens to soak Mayor Eric Doering and Trustees Mike Schiers, Cecil Davis, and Joe Johnson. For some reason or other, the line was longest when Cecil Davis was in the tank...

The turnout was great and the weather was, too. A great time was had by all and the event will only be even better next year!

Fall 2004



Inside this issue:
What is Home Rule?
The Process
The Election
How to Get Involved

The Home Rule Question Comes To Frederick

On Tuesday, September 28, 2004, a special election will be held in Frederick to determine whether or not a Home Rule Charter Commission will be formed and who will serve on that Commission, should the initial vote go in favor of forming a Charter Commission. The Home Rule question is a very important one, and everyone deserves the opportunity to learn more about it before casting his or her vote in the special election. In this edition of The Frederick Report, Home Rule will be explained and examined closely, so that each citizen of the Town of Frederick will have an equal opportunity to learn more about that question and what Home Rule means to a community.



Candidates for Charter Commission

- | | |
|-----------------|-------------------|
| Glenn Berry | Joe Johnson |
| Eric E. Doering | Jeff Roerhig |
| Karen Dunbar | Emiliano Ruscitti |
| Christine Fuss | Mike Schiers |
| Liberta Hattel | Nickey Wilson |
| Chris Heath | |

The Process

The following are important upcoming events in the home rule establishment process:

ACTION	DATE
1. First day nomination petitions can be circulated to run for Charter Commissioner.	Aug. 9, 2004
2. Nomination petitions and consent to serve statements must be filed with Town Clerk.	Aug. 27, 2004
3. Second notice of special election is published, notice includes names of all commission candidates.	Sept. 7, 2004
4. *Hold election on formation of Charter Commission and 2004* selection of commission members.*	*Sept. 28,
5. Charter Commission holds initial meeting.	Oct. 28, 2004
6. Charter Commission submits proposed charter to Board of	Jan. 27, 2005
7. *Special election on charter approval.* Trustees at a regular Board meeting.	*May 24, 2005*
8. Certified copy of adopted charter is filed by Town Clerk with Secretary of State.	June 10, 2005
-Nos. 5-8 only occur if vote to form the Charter Commission is passed by citizens.	
-No. 8 only occurs vote to adopt charter is passed by citizens.	

In addition, Article XX of the Colorado Constitution requires the Charter Commission to hold at least one public hearing before a proposed charter is sent to the Board of Trustees. Though the Charter Commission is ultimately tasked with the responsibility of writing the Charter itself, it will look to all of the citizens of Frederick for guidance and their opinions throughout the process. There will be plenty of opportunities for all those who live in Frederick to make their voices heard.

The Election

On September 28th, 2004, a special election will be held to determine whether or not a charter commission will be formed to write a proposed charter for the Town of Frederick. On that ballot will also be listed all of the nominees to serve on the Charter Commission, should a majority of voters respond affirmatively to the initial question regarding the establishment of home rule in Frederick. Each voter will be asked to answer “yes” or “no” on whether or not to form the commission, and then will be asked to vote for eleven (11) candidates from the list to become commissioners. If the formation of the commission is approved, the top eleven (11) vote-getters will comprise the Charter Commission.

From that point, the Charter Commission would have one-hundred twenty (120) days in which to write the charter and present it to the Board of Trustees. A second special election would then be held on May 24th, 2005 asking voters to either approve or reject the proposed charter.

If the majority of citizens vote “yes” in both elections, Frederick will become a home rule municipality. If a majority votes “no” in either election, the process stops and the matter of home rule may not be considered again for at least one year.



What is Home Rule?

As stated in the *Home Rule Handbook*, published by the Colorado Municipal League, “municipal home rule is based upon the theory that the citizens of a municipality should have the right to decide how their local government is to be organized and how their local problems should be solved.” In matters that have been deemed of strictly local/municipal concern, a home rule municipality may legislate without fear that such ordinances will be superseded by State law.

In simpler terms, a home rule town or city has greater leeway to act in a wider variety of situations than does a statutory municipality. This means that the home rule jurisdiction is able to adopt solutions that are more carefully tailored to fit its specific needs.

Currently, as a statutory municipality, Frederick must ask the state legislature for a special order in the Town should need to establish legislation in an area in which it is not expressly authorized to do so by the Colorado Constitution. Such a process can take a great amount of time and resources, with the problem at issue going unresolved throughout the course of the process. A home rule town or city, on the other hand, can pass its own legislation on the matter with no need for assistance or interference from the State, assuming that the matter has been deemed to be of local concern, or is enumerated as a home rule power in Article XX of the Colorado Constitution. Rather than being forced to go through a complex and lengthy process at the state level, such a matter could be considered, debated, and legislated on at the local level, through the usual means of public hearings. As such, the process is simpler, faster, and more efficient.

As determined by past court decisions, the following areas of concern have been deemed to be of a strictly local/municipal nature: regulation of traffic speeds upon municipal

streets, careless and reckless driving, Sunday closing ordinances, zoning, vagrancy, financing of capital improvements programs, occupation taxes, admissions taxes, sales and use taxes and the collection thereof), municipal elections (date and manner), employment qualifications for municipal employees, and others.

One important example of a home rule power is the ability of the municipality to collect sales tax directly, rather than having no other choice but to have the State collect local sales tax and then administer it back to the local government. Currently, all sales tax in Frederick is collected by the State of Colorado. Amounts to be paid are determined in Denver, and each business in Frederick sends its sales tax payment to the State sales tax office located there, as well. The State processes the tax money, and then sends what it deems to be the correct amount back to the Town government.

Home rule jurisdictions have the power to regulate and collect their own sales tax, with no involvement from the State of Colorado. Doing so would require the addition of a full-time auditor, but the general process of sales tax administration and collection is greatly streamlined and improved. Opportunities for mistakes are minimized by removing unnecessary steps along the way in the process, resulting in more accurate payments and collections for businesses and the Town.

Basically, home rule enables a municipality to legislate in more areas more efficiently than if that municipality was a statutory entity. Decisions can be made at the local level that would otherwise have required an action of the State legislature. Home rule allows towns and cities to exercise greater discretion over their own affairs. Power is placed in the hands of those who are far closer to the citizens, and can in turn be held more greatly accountable.

TOWN OF FREDERICK CITIZEN COMMENT CARD

Name:

Address:

Comments/Questions: